

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LASHAWN BAREFIELD,

Plaintiff,

v.

**CALIFORNIA STATE UNIVERSITY
BAKERSFIELD,**

Defendant.

CIV-F-05-0633 AWI TAG

**ORDER VACATING HEARING
DATE OF SEPTEMBER 26, 2005**

Defendant CSU Bakersfield has noticed for hearing and decision a motion to dismiss the complaint for failure to state a claims upon which relief can be granted and for lack of subject matter jurisdiction. The matter was scheduled for oral argument on September 26, 2005. Plaintiff Barefield filed an opposition, and made a motion for leave to amend the complaint noticed for October 17, 2005 before Magistrate Judge Goldner. Plaintiff Barefield has already amended the complaint once before and now must seek leave of court for further amendments in accordance with Fed. R. Civ. Proc. 15(a). As the motion to amend has the potential to moot the motion to dismiss, the motion to dismiss is continued until after the resolution of the motion to amend.

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of September 26, 2005, is VACATED, and no party shall appear at that time.
IT IS SO ORDERED.

Dated: September 20, 2005

/s/ Anthony W. Ishii

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UNITED STATES DISTRICT JUDGE